

Hawke Centre Forum

Justice for Women at Work: A discussion of paid parental leave and pay equity

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Justice for women forum: update from the United States

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It is such a pleasure to be back in Australia, admiring your country and its policies. At last, on this trip, I am able to be fairly optimistic and even proud to be an American. My first trip here was in 1996, just as John Howard was elected. My last trip was in late 2007, at the end of his administration. Of course we in the United States have had our own national nightmare the past eight years, until our election of November 2008. At last we changed directions in a resounding defeat of the politics of fear and inequality and a return to the possibility of collective solutions, a more humane economy and a more benign footprint internationally. Finally we have an adult in charge, someone who admonishes us to pay attention to reality and “put childish things aside.”

We are very proud of our new president Barack Obama and his family. He is unreasonably talented: brilliant, thoughtful, articulate, and determined. His election is like lighting a candle in a dark and musty room – it is much needed, but we are not yet sure how high and long its light will blaze. He faces extraordinary challenges – he is confronting simultaneous crises in the financial sector, economy, health care, environment, and foreign policy. I have been in Australia for a few weeks, and I can say without qualification that you have seen but the beginning of this financial crisis. There is a very real possibility that the entire western economy will be shaken for a very long time. It seems that my role here is to warn you of things coming your way from America. I did that for the 12 previous years, and unfortunately I believe you are in for some very rough economic times. Nonetheless, we are very confident that Barack Obama is the man for this impossible job right now. The satirical paper “the onion” displayed the headline on the day after Obama was elected: “black man gets worst job in the world.”

There are so many things to say, and I can focus on only a few aspects of the campaign and his administration. I am aware that you know more about our politics than many in my own country, so I will try to go beyond the headlines.

The campaign itself was breathtaking – long, arduous, painful and exhilarating all at once. From the beginning it was Barack in charge, and he remains in charge. He knew it was his time, and he dragged most of us along until we also saw the light. In fact, the morning after the election I felt profound gratitude that he had the intuition and wisdom to take on this election and this office. From all accounts he made the key decisions throughout the campaign, and is the same man now who began the campaign two years ago.

The Obama campaign built a movement never before seen in American politics, integrating on-the-ground mobilizing with fundraising and involvement organised over the internet. The technical sophistication of the campaign cannot be overemphasized. Obama and his team are keyed into young people and technology – it is integral to everything they do. They now have a donor and activist list of over 14 million people, and they employ it for continuing mobilization and advocacy. Midway through the campaign I stopped second guessing them because they were always right.

Obama is a community organizer. Sarah Palin's attempt to dismiss community organizers as meddlers without true responsibilities backfired when community organizers of all stripes and persuasions stood up to be counted. Obama has rehabilitated the standing of community organizers, and his very instincts and values are those of an organizer. I was a union organizer for many years. I know when I am being organized, and he is an organizer.

There is no doubt that Obama won because he is an organizer. Our election system is complicated, but suffice it to say that he needed to win the majority of 8 marginal states. He won every one, and the margin of victory in each state was new voters. We do not have compulsory voting, and many candidates speak only to previous voters. Obama's campaign mobilized millions of new voters, primarily youth and people of color, and this made the difference in the campaign. Youth and people of color voted for him 2 to 1, despite media statements that latinos would not vote for a black man. And this brings us to the issue of race. He and Michelle defied predictions that Americans would never elect a black man with their brilliance and charm. He knew that ultimately he must talk about race, and thus the groundbreaking speech on race given to defuse the issue of his pastor, Reverend Wright. This was a remarkable moment in racial discourse in America – not radical, but definitely a progressive speech designed to speak some truths about race.

One aspect of his race has not received sufficient attention in my view. He was raised in Hawaii, not on the mainland or the deep south. In Hawaii they call him "our Hapa president." Hapa means half and half, a designation that applies to most of the population there. Hawaii is a place where different cultures exist independently but work together in a more productive and accepting way than on the mainland. There is not an oppressive majority white population. Obama spent his formative years in Hawaii and Indonesia, and he thus carries his race in a totally different manner than most African-Americans. In fact, the black community was initially in support of Hillary Clinton – they thought that Obama could not win, and many thought he was not 'black enough.' it did not take long, however, for him to win them over, as he had in Chicago.

Now, what about his policies and issues important to women? Despite the multiple crises we face, there is genuine relief and confidence that the conservative era is over. The policies begun in the Reagan era --deregulation, inequality, weak protections for the environment, and unrestrained globalization --are being reversed. Obama's budget proposal is radical and challenges the core assumptions that have dominated political discourse for three decades. It aims to halt the redistribution of wealth from the poor and middle class to the rich. In 1980 the top 1% of income earners took home 8% of income – today they hoard 23% of income. Even Larry Summers, Obama's chief economic advisor, at best a moderate, said that this meant that the bottom 80% of families was effectively sending a \$10,000 check, every year, to the top 1% of earners. Obama's budget aims to reverse that flow.

Of course there are worries that he either will not or can not reverse neoliberalism, but I think the early signs are encouraging. He understands the magnitude of the problem and the special moment that exists at this moment. We are changing political eras. This is a most significant moment. What about gender-based policies? I must admit that the focus is on across-the-board policies that will lift all workers and particularly low-wage workers. Obama's top priorities domestically are providing health care, more access to education, and a fairer tax code. All of these will benefit women, perhaps even disproportionately. But I think more will happen.

Beneath the surface there are several encouraging signs. First, Michelle Obama is an advocate for families with working parents. She has declared this her priority. My guess is that she will be a force to reckon with. Truthfully, I am at least as excited about having her as our first lady as having Barack as president. Their relationship is a model, and she will hold her own as a working mother in the White House.

There is also Vice-president Joe Biden. His chosen portfolio is middle-class families, and the work-life balance is one of a few selected priority issues. I know his chief economist, and he is dedicated to improving the lives of workers with policies to encourage more union representation and provide support to working families.

In addition, our new secretary of labor, Hilda Solis, is a break-through appointment. While hers is not the most powerful of cabinet positions, she will have influence on industrial relations and wages policies. She was raised in a working class community in California by immigrant parents from Mexico and Nicaragua. Both were union activists, he in a factory making batteries, she on the assembly line for Mattel toys. Solis has no doubt about how the middle class was formed - by unions and public policies that support workers, and she will advocate for these policies. She is the oldest of seven children, the first to attend university, and of course the first member of congress from her family. This is the American success story that Obama brings forward.

We have already made some gains in pay equity and parental leave. The very first bill signed by President Obama is the Lily Ledbetter fair pay act. Unfortunately, it is not as good as it sounds. Lily Ledbetter worked for 19 years at Goodyear Tire. Just before she retired, she learned she had been paid less than men doing the same job for the entire 19 years. The Supreme Court denied her right to sue and ruled that employees can only file a wage-discrimination complaint within 180 days of when the initial payroll decision was made. Lily Ledbetter found out about the discrimination after years of such behaviour but was ruled ineligible for restitution because she did not sue within 180 days of her first paycheck. How silly is that? The act that bears her names gives workers the right to sue after each paycheck that is discriminatory. It also overturns another bad law that made it illegal to inquire about or disclose one's wages. It was quite the catch-22 for Lily and other women; one could not sue after the first paycheck, but one could not legally inquire about others' wages. But at the end of the day, all this law does is permit individual women to sue when there is discrimination in wages. It is for the one in a million women who have the resources and determination to make it through a tortuous legal system. It does not provide a remedy to Lily Ledbetter, and it requires nothing of employers in the future. It does nothing to address the undervaluation in women's wages or other sources of the gender pay gap. In short, it does nothing to ensure pay equity. Allowing women to pursue individual lawsuits is a far cry from a legitimate program of pay equity. The best I can say for it is that we overturned a horrendous court decision and put pay equity into the national conversation for a short time.

On paid maternity leave, the situation is also bleak but improving. As you may know, US workers have no entitlement to paid leave of any type, including sick leave and vacation leave, not to mention paid maternity leave. Fully one-half of American workers have access to no sick leave, and a quarter have no paid leave of any kind. Only 8 percent have access to paid maternity leave. We recently made provision for unpaid leave, and this reform is generating discussion of how to improve our policies for working parents. The action now is in the states. California provides paid maternity leave through a social insurance program, and my state of Oregon may pass a similar measure this year. This is often how change happens in our country; after all, California has a population of nearly 40 million and is often the trendsetter. Therefore I remain optimistic that these progressive, gender-based policies will move forward in the next few years.

To close, it is obvious that there are monumental obstacles ahead for President Obama and his administration. Aside from the enormity of the economic crisis, the largest obstacle is our undemocratic congress that allows the minority to block policies. Nonetheless, we feel we have turned a significant corner and at least will be pointing in a different direction, all the while knowing it will take years if not decades to gain momentum.